

## DECLARATION AND POWER OF ATTORNEY

21 OCT 2004

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: Asphalt composition

the specification of which ☐ is attached and/or ☒ was filed on April 24, 2003 as United States Application Serial No. \_\_\_\_\_ or PCT International Application No. PCT/JP03/05290 and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate or § 365(a) of any PCT International application(s) designating at least one country other than the United States, listed below and have also identified below, any foreign application(s) for patent or inventor's certificate, or any PCT International application(s) having a filing date before that of the application(s) of which priority is claimed:

| Country | Application Number | Date of Filing | Priority Claimed Under 35 U.S.C. 119                                |
|---------|--------------------|----------------|---|
| Japan   | 2002-122931        | April 24, 2002 | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |
| Japan   | 2002-134040        | May 9, 2002    | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

| Application Number | Date of Filing |
|--------------------|----------------|
|                    |                |
|                    |                |

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) or § 365(c) of any PCT International application(s) designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application(s) in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application(s) and the national or PCT International filing date of this application:

| Application Number | Date of Filing | Status (Patented, Pending, Abandoned) |
|--------------------|----------------|---------------------------------------|
|                    |                |                                       |

I hereby appoint the following attorney and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvold, Reg. No. 22,593; Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D. Voight, Reg. No. 23,929; Laurence R. Hefter, Reg. No. 20,827; Kenneth E. Payne, Reg. No. 23,098; Herbert H. Mintz, Reg. No. 26,691; C. Larry O'Rourke, Reg. No. 26,014; Albert J. Santorelli, Reg. No. 22,610; Michael C. Elmer, Reg. No. 25,867; Richard H. Smith, Reg. No. 20,609; Stephen L. Peterson, Reg. No. 26,325; John M. Romary, Reg. No. 26,331; Bruce C. Zotter, Reg. No. 27,680; Dennis P. O'Reilly, Reg. No. 27,932; Allen M. Sokal, Reg. No. 26,695; Robert D. Bajefsky, Reg. No. 25,387; Richard L. Stroup, Reg. No. 28,478; David W. Hill, Reg. No. 28,220; Thomas L. Irving, Reg. No. 28,619; Charles E. Lipsey, Reg. No. 28,165; Thomas W. Winland, Reg. No. 27,605; Basil J. Lewis, Reg. No. 28,818; Martin I. Fuchs, Reg. No. 28,508; E. Robert Yoches, Reg. No. 30,120; Barry W. Graham, Reg. No. 29,924; Susan Haberman Griffen, Reg. No. 30,907; Richard B. Racine, Reg. No. 30,415; Thomas H. Jenkins, Reg. No. 30,857; Robert E. Converse, Jr., Reg. No. 27,432; Clair X. Mullen, Jr., Reg. No. 20,348; Christopher P. Foley, Reg. No. 31,354; John C. Paul, Reg. No. 30,413; Roger D. Taylor, Reg. No. 28,992; David M. Kelly, Reg. No. 30,953; Kenneth J. Meyers, Reg. No. 25,146; Carol P. Einaudi, Reg. No. 32,220; Walter Y. Boyd, Jr., Reg. No. 31,738; Steven M. Anzalone, Reg. No. 32,095; Jean B. Fordis, Reg. No. 32,984; Barbara C. McCurdy, Reg. No. 32,120; James K. Hammond, Reg. No. 31,964; Richard V. Burguljan, Reg. No. 31,744; J. Michael Jakes, Reg. No. 32,824; Dirk D. Thomas, Reg. No. 32,600; Thomas W. Banks, Reg. No. 32,749; Christopher P. Isaac, Reg. No. 32,616; Bryan C. Diner, Reg. No. 32,409; M. Paul Barker, Reg. No. 32,013; Andrew Chanho Sonu, Reg. No. 33,457; David S. Forman, Reg. No. 33,694; Vincent P. Kovalick, Reg. No. 32,867; James W. Edmondson, Reg. No. 33,871; Michael R. McGurk, Reg. No. 32,045; Joann M. Neth, Reg. No. 36,363; Gerson S. Panitch, Reg. No. 33,751; Cheri M. Taylor, Reg. No. 33,216; Charles E. Van Horn, Reg. No. 40,266; and Linda A. Wadler, Reg. No. 33,218; and \_\_\_\_\_ Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005, Telephone No. (202) 408-4000.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

|  |  |                                |
|--|--|--------------------------------|
| Full Name of First Inventor<br><u>Shigeo NAKAJIMA</u>                                      | Inventor's Signature<br><u>Shigeo Nakajima</u> | Date<br><u>August 20, 2004</u> |
| Residence<br><u>Fujisawa-shi, Kanagawa-ken, Japan</u>                                      | Citizenship<br><u>Japanese</u>                 |                                |
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Listing of Inventors Continued on Page 2 hereof. ☒ Yes ☐ No

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P.

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|   |  |                               |
|---|--|-------------------------------|
| Full Name of Second Inventor<br>Toshinori SHIRAKI                                   | Inventor's Signature<br><i>Toshinori Shiraki</i> | Date<br><i>August 29 2004</i> |
| Residence<br>Yamato-shi, Kanagawa-ken, Japan <i>JPX</i>                             |  | Citizenship<br>Japanese       |
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| Full Name of Third Inventor   | Inventor's Signature                             | Date                          |
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| Full Name of Fourth Inventor  | Inventor's Signature                             | Date                          |
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| Full Name of Fifth Inventor   | Inventor's Signature                             | Date                          |
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| Full Name of Sixth Inventor   | Inventor's Signature                             | Date                          |
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| Full Name of Seventh Inventor   | Inventor's Signature                             | Date                          |
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| Full Name of Eighth Inventor  | Inventor's Signature                             | Date                          |
| Residence   |  | Citizenship                   |
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| Full Name of Ninth Inventor   | Inventor's Signature                             | Date                          |
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| Full Name of Tenth Inventor   | Inventor's Signature                             | Date                          |
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10/512053

Customer No. 22,852

Attorney Docket No.: 02610.0043

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Shigeo NAKAJIMA et al.

Serial No.: Not Yet Assigned

Filed: October 21, 2004

National Stage of International Application No.  
PCT/JP03/05290 under 35 U.S.C. 371, for  
ASPHALT COMPOSITION

Group Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**LISTING UNDER 37 C.F.R. § 1.32(c)(3) OF TEN OR FEWER ATTORNEYS TO BE  
RECOGNIZED BY THE PTO AS BEING OF RECORD**

Pursuant to 37 C.F.R. § 1.32(c)(3) the practitioners named below are selected from the list in the accompanying declaration to have power of attorney in the application.

| Name                    | Registration No. |
|-------------------------|------------------|
| Arthur S. Garrett       | 20,338           |
| Robert E. Converse, Jr. | 27,432           |
| E. Robert Yoches        | 30,120           |
| C. Larry O'Rourke       | 26,014           |
| James K. Hammond        | 31,964           |

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If there is any fee due in connection with the filing of this statement, please charge  
the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: October 21, 2004

By: 

Arthur S. Garrett  
Reg. No. 20,338

ASG/FPD/sci

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